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SERIES III No. 42

OFFICIAL GAZETTE

GOVERNMENT OF GOA

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EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Home

HomeóGeneral Division

Office of the Dy. Collector & Sub-Divisional
Magistrate, Mapusa, Bardez-Goa

Order

No. DC/SDM/MAP/Low & Order/MAG-144/2016/316

Under Section 144 of the Code of Criminal Procedure, 1973

Whereas the report bearing No. SDPO/Porvorim/37/2016 dated 06-01-2016 has been received by this office from Sub-Divisional Police Officer, Porvorim-Goa on a subject request for intervene between concern parties/authorities to prevent law & order situation. It is reported by the SDPO Porvorim that Mrs. Nasim Parvaiz Zafrani, c/o Mehfil Bar & Restaurant, Umtawado, Calangute, Bardez-Goa has requested for Police protection as she has received information through reliable source that the members of Save Calangute Association accompanied by local MLA Shri Michael Lobo intends to illegally enter into her business premises at any time without permission or right only to create law & order situation and ransacking the premises.

And whereas it has also stated in aforesaid report of SDPO that the said Mehfil Bar & Restaurant had obtained establishment licence from the Village Panchayat Calangute for restaurant purpose. That the management of the said establishment had designed their premises in such way that maximum place was converted into a sound proof dancing floor. Though the licence is obtained for running a restaurant with bar, the actual activities were of running dance bar by charging entry fee. The

management also kept female dancers to attract maximum customers and to entertain them.

And whereas it has also stated in aforesaid report of SDPO the Village Panchayat Calangute refused to renew the trade licence in the year 2013 and made several correspondence to various authorities that prostitution and drug activities were being carried out in the said illegal night club and requested for action. It was also resolved in the Gram Sabha to put a stop to such activities where dance was held in indecent obscene and vulgar manner resulting in exploitation of women, derogatory to the dignity of woman, causing injury to public morality and that the same was used as the meeting point criminals, pickup joint for girls indulging in immoral activities bringing a bad name to the village of Calangute. The Village Panchayat Calangute objected to the renewal of trade licence on the basis of resolution dated 16-09-2013 wherein it is stated that the licence was issued for the restaurant in-house but the restaurant was run outside the house by constructing structure and late dance/music. The Panchayat also found that illegal structure and toilet was constructed in violation of licence conditions and that there was no permission for construction of structure in which the restaurant was run.

And whereas it has also stated in aforesaid report of SDPO that in the past an offence vide Calangute P.S. Crime No. 31/2015 u/s 143, 147, 148, 447, 427, 323, 506, 454, 380 r/w 149 IPC was registered upon the written complaint of Gajendra Singh to the effect that on 21-02-2015 at 15.00 hrs. accused persons namely Michael Lobo, MLA and other consisting a mob of 25 plus locals with their common object formed an unlawfull assembly and criminally trespassed into the Mehfil Bar &

Restaurant assaulted the employees and further threatened them with dire consequences and intimidated them to leave the jurisdiction of Calangute or else they will be beaten up mercilessly and further the mob illegally demolished part of the structure of the restaurant with the help of a JCB machine and thereafter ransacked the restaurant by committing theft of utensils and other articles. The case is under investigation.

And whereas it has also stated in aforesaid report of SDPO the V. P. Calangute vide ordinary Gram Sabha held on 04-10-2015 resolved to take action against the said Mehfil Bar & Restaurant and other such restaurants as they bring bad name for the Village of Calangute.

And whereas it has also stated in aforesaid report of SDPO towards the end of December, 2015 the local villagers had a meeting with Michael Lobo, MLA Calangute Constituency and were agitated and in aggressive mood over the recommencement of operations of Mehfil Bar & Restaurant wherein Shri Kundan Kerkar and Nitesh Chodankar were the prominent persons at the said meet.

And whereas it has also stated in aforesaid report of SDPO the violate situation prevailing in the area on account of recommencement of business activities in Mehafil Bar & Restaurant situated at Umatwado, Calangute is fortified by the apprehensions of the owners/management of Mehafil Bar & Restaurant vide their letter dated 27-12-2015 addressed to various authorities including Collector (North), thereby requesting to take serious note of the prevailing situation and to provide necessary Police protection to the aforesaid business premises indefinitely or in the alternative to make authorities would be personally liable for dereliction in duties operating such business under heavy Police protection could be seen as a challenge to the locals and not practically feasible from their business point of view or from Calangute Police Station who has to cater to his vast jurisdiction specially during this time of the year when the floating population crosses more than one lakh a day.

And whereas it has also stated in aforesaid report of SDPO that it is therefore crystal clear that the locals along with Save Goa Front, the Village Panchayat Calangute and local MLA are opposed to commencement of Mehfil Bar & Restaurant situated at Umtawado, Calangute and on the other

hand the V. P. Calangute has directions to renew the trade licence kept pending by them for reasons enumerated as above and therefore there is every possibility that they will gather as a huge mob and are likely to forcibly stop the recommenced business activities resulting in loss to lives and damage to property.

And whereas the aforesaid report submitted by Sub-Divisional Police Officer, Porvorim apprehend that there is every possibility that there is danger to human life, health, safety and tranquility or likely to create riot and affray in the locality and as such depending upon the aforesaid report submitted by SDPO Porvorim and satisfying upon it and in order to avoid of committing any act that may likely to induce of breach of peace and in the interest of general public and so also in order to avoid any apprehended danger it is sufficient ground for proceeding under Section 144 of Code of Criminal Procedure, 1973.

Now therefore, I, Pundalik V. Khorjuekar, Dy. Collector & Sub-Divisional Magistrate, Mapusa in exercise of power conferred upon me under Section 144 (1) Code of Criminal Procedure, 1973 do hereby make this written order that “Mehfil Bar & Restaurant” situated at Umtawado, Calangute desist the respective owners from re-opening the above named Bar & Restaurant and do hereby order concerned Sub-Divisional Police Officer and Police Inspector to maintain status-quo for the period as stated herein. The present order shall come into force on 15th January, 2016 and shall be effective for period till 10th March, 2016 (both dates inclusive) unless withdrawn earlier.

As the notice cannot be served individually on all concerned, the order is hereby passed ex-parte and served in the manner provided by Section 134 of Code of Criminal Procedure, 1973 and be published for information of public through press and also by affixing the copy on notice board of this office, Mamlatdar, SDPO Porvorim, Calangute Police Station and Village Panchayat Calangute.

Any person contravening this order shall be punishable under Section 188 of the Indian Penal Code.

Given under my hand and seal on this 15th day of January, 2016.

Mapusa.— The Dy. Collector & Sub-Divisional Magistrate, *Pundalik V. Khorjuekar*.

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